

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA	)	
	)	CRIMINAL ACTION NO.
v.	)	2:18cr95-MHT
	)	(WO)
MARTINEZA DEWAN McCALL	)	

ORDER

Before the court are two motions for appointment of counsel (doc. nos. 46 & 48) in which defendant Martineza Dewan McCall asks the court to appoint counsel to assist him in bringing claims of error in his sentencing. McCall pled guilty in April 2018 to one count of possession with intent to distribute a controlled substance, and in September 2018 he was sentenced to 10 years in prison. See Judgment (doc. no. 43). He did not file a direct appeal. In June 2019, McCall filed in this court a 28 U.S.C. § 2255 motion challenging the enhancement of his sentence based on his prior felony drug convictions. See *McCall v. United States*, Civil Action No. 2:19cv481-MHT. In his motions for appointment of counsel, McCall asserts

claims of trial court error and deficient performance by his counsel at his sentencing. Such claims are properly brought in a § 2255 motion, not in this closed criminal case.

Accordingly, the clerk of court is DIRECTED to:

(1) strike defendant Martinez Dewan McCall's motions for appointment of counsel (doc. nos. 46 & 48) from this case; and

(2) docket these same motions in defendant McCall's pending 28 U.S.C. § 2255 action, *McCall v. United States*, Civil Action No. 2:19cv481-MHT, where they will be treated as motions to appoint counsel in the § 2255 action and motions to amend defendant McCall's § 2255 motion.

DONE, this the 7th day of October, 2019.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE